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**United States Court of Appeals
For the First Circuit**

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2008 APR 25 A 10:43

No. 08-8023

VERNON GRAY,

Petitioner,

v.

BRUCE W. CATTELL, WARDEN, NEW HAMPSHIRE STATE PRISON,

Respondent.

Before

Boudin, Chief Judge,
Stahl, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT

Entered: April 22, 2008

Petitioner's "Petition for Writ of Habeas Corpus," docketed in this court on April 14, 2008, notes that the district court denied petitioner's § 2254 petition and then seeks "de novo review" from the First Circuit Court of Appeals.

The correct manner for obtaining further review is not through the present filing but instead through a notice of appeal filed in the district court within thirty days of the entry of judgment. We will treat the present filing as a notice of appeal and transmit it to the district court for docketing. We do not determine at this time whether, treated as a notice of appeal, the present filing is timely. See Fed. R. App. P. 4(c).

To obtain an extension of the thirty day time limit for filing a notice of appeal, petitioner must promptly file a motion in the district court showing "excusable neglect or good cause" for an extension. See Fed. R. App. P. 4(a)(5) (time for seeking extension expires 60 days after entry of judgment).

The petition for writ of habeas corpus is denied. Zimmerman

v. Spears, 565 F.2d 310, 316 (5th Cir. 1977) ("the Courts of Appeal are not vested with jurisdiction to entertain a petition for a writ of habeas corpus as an original matter").

Denied.

By the Court:

/s/ Richard Cushing Donovan, Clerk.

cc:
Vernon Gray
Susan P. McGinnis